

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN OHIO DISCTRICK  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No: 2:22-CR-89-001

CODY NOEL BEASLEY,

CHIEF JUDGE MARBLEY

Defendant.

**SENTENCING MEMORANDUM OF DEFENDANT CODY BEASLEY**

The Defendant, Cody Beasley, comes before this Court after having entered a guilty plea to a One Count Information which alleged that he committed Bank Fraud in violation of 18 USC §1344(2). Defendant Beasley entered his plea on July 8, 2022, and is now scheduled for Sentencing on October 28, 2022, which is a little over a year from his Sentencing in October 8, 2021, in Case Number 2:20-CR-12. In that case, Defendant had entered guilty pleas (as noted in number 32 of the Presentence Report) to Bank Fraud and Possession of Stolen Mail.

This Court sentenced the Defendant on October 8, 2021, to one month and a day in prison along with strict terms of probation which included the Alvis House and home confinement.

Unfortunately, it appears that Defendant, while on Supervised Release to this Court, specifically on or about December 16, 2021, committed the offenses that give rise to this charge.

Set forth below is a brief review of the Sentencing factors that Defendant asks the Court to consider to fashion a sentence for him;

## **SENTENCING FACTORS**

### **1. 18 U.S.C. § 3553(a) Factors**

This court is not bound by the sentencing guidelines, but rather, is permitted to tailor a sentence in light of the factors set forth in 18 U.S.C. § 3553(a). District courts are permitted to vary from the guidelines in fashioning a sentence to fit the mandate of 18 U.S.C. §3553(a), that the sentence imposed be no greater than necessary to serve the goals of sentencing set forth in such.

The primary directive is for sentencing courts to impose a sentence sufficient, but not greater than necessary, and in making the determination shall consider a sentence:

- (a). to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
- (b). to afford adequate deterrence to criminal conduct;
- (c). to protect the public from further crimes of the defendant; and
- (d). to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

In determining the minimally sufficient sentence, §3553(a) further directs sentencing courts to consider the following factors:

- (a) the nature and circumstances of the offense and the history and characteristics of the defendant (§3553 [a][1];
- (b) the kinds of sentences available (§ 3553)[a][3];

- (c). the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct (§3553[a][6]; and
- (d). the need to provide restitution to any victims of the offense (§3553 [a][7].

Turning to the instant case, Defendant has been incarcerated since February 14, 2022. In speaking with him, Defendant has a clear plan upon his release from prison as to how to obtain employment and avoid further criminal entanglements. Defendant has informed Counsel that he plans to obtain his Commercial drivers license and become an over-the-road truck driver. Defendant now appears to have a focus and, at least in Counsel's observation, a more mature and determined mindset to stay clear of the behavior that led to his current problems.

Counsel has likewise reviewed the Supervised Release Violation Report prepared by Lyman Brown, Jr. of the United States Probation Department. Defendant, at his sentencing, will stipulate to a violation of his Supervised Release from Case Number 2:20-CR-12(1).

However, Defendant would request that the Court order his time from that Supervised Release Violation be served concurrently with the time received from the present case.

### **CONCLUSION**

Defendant, through counsel, respectfully requests a sentence of probation.

Respectfully submitted,

/s/ Joseph Edwards  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was electronically serviced via CM/ECF upon counsel of record on the 24<sup>th</sup> day of October, 2022.

/s/ Joseph Edwards  
W. Joseph Edwards (0030048)